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FOR G/TIP, EAP/MLS, EAP/RSP

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TAGS: [PHUM](#) [ELAB](#) [PREL](#) [KWMN](#) [CB](#)
SUBJECT: G/TIP VISIT PRESSES CAMBODIAN GOVERNMENT FOR MORE
ANTI-TIP ACTION

11. (SBU) Summary. G/TIP Senior Coordinator Mark Taylor's July 25-26 visit to Cambodia provided an opportunity to press the Cambodian government to take additional anti-TIP measures. USG recommendations to RGC officials focused primarily on quicker action by police authorities, greater cooperation with NGOs, and cracking down on corruption. NGOs discussed labor exploitation and a need to monitor aftercare facilities. Judicial reform has improved over the year, but progress in the Ministry of Interior on investigations and arrests remains largely stagnant. Cambodia's draft anti-trafficking law is expected to pass by year's end. End Summary.

NGO CONCERNS WITH LABOR AND GOVERNMENT

12. (SBU) During G/TIP Senior Coordinator Mark Taylor's visit to Cambodia, NGO interlocutors voiced concerns over labor trafficking/exploitation and victim protection. They claim that 90% of labor exploitation is invisible and laborers lack essential protections. Currently, 63 licensed, labor exporting companies operate in Cambodia and mainly send migrant workers to Thailand, South Korea and Malaysia. The Cambodian Women's Crisis Center (CWCC) told Taylor that the Ministry of Social Affairs, Veterans and Youth (MOSAVY) verbally agreed that labor companies could confiscate workers' travel documents upon arrival to Malaysia -- leaving workers more vulnerable to exploitation. Without the passage of the anti-trafficking draft law, aftercare shelters lack legal authority to help victims and depend heavily on court authorization. NGOs criticized the draft law's definition of trafficking as too narrowly focused on trafficking for sex purposes. Moreover, the NGO Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) has proposed minimal standards for shelters, but they have not yet been approved by MOSAVY and will be adopted by aftercare shelters on a voluntary basis. Organizations like CWCC also would like the government to implement measures to provide security for aftercare shelters.

13. (SBU) Police inactivity is the most significant factor in contributing to fewer TIP-related arrests in 2006 to date, says the International Justice Mission (IJM). The anti-TIP police unit has grown in size but has done little in the past six months. During the past year, a lengthy approval process held up many cases which could have resulted in a greater number of arrests. A MOU between IJM and the Ministry of Interior (MOI) is nearing approval; this will speed up the approval process as well as allow IJM to freely conduct undercover investigations. AFESIP agreed with IJM that the lack of police cooperation has hindered investigations. Somaly Mam noted that AFESIP preferred to work with the MOI's anti-TIP police because of AFESIP's distrust of

provincial authorities. Hok Lundy has been more cooperative with AFESIP lately and has granted almost all of their requests for police action, say NGO reps.

MOST OF THE GOVERNMENT IS IMPROVING, THE MOI HAS NOT

¶4. (U) Since initiating reforms nine months ago, the Phnom Penh Municipal Court has made strides with TIP prosecutions and convictions. In 2005, the new president of the court, Chiv Keng, filed 49 cases of trafficking and held trials for ¶43. Additionally, charges were filed against two police officers of the anti-TIP unit. Keng and one of the Court's prosecutors blamed the lack of judicial officers as a limitation to new prosecutions. Currently, there are only six prosecutors and eleven judges, while in the past there were seven prosecutors and 16 judges. The prosecutor attributed the failed prosecutions to a lack of legal understanding by police as well as inattention to the importance of evidence collection. Keng desires greater modernization of the court, including recording machines and computer database systems.

¶5. (SBU) Touch Samon of MOSAVY greeted Taylor and immediately started to highlight progress in 2006. The MOI, the Ministry of Justice (MOJ), MOSAVY, the Ministry of Health (MOH), Ministry of Education (MOE), together with the NGOs have been drafting an MOU which will determine the roles of the government and victim support agencies. A conference in Siem Reap implementing the Cambodian-Thai MOU shaped agreements on 1) procedure for repatriation and reintegration of victims and 2) procedure for the prosecution of TIP offenders. Also, the Thai government has agreed to fund construction of a shelter along the border to care for

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Cambodian victims repatriated from Thailand. The Minister of Women's Affairs, Ing Kantha Phavi, criticized government corruption for ineffectiveness in combating trafficking.

¶6. (SBU) During Taylor,s meeting with General Un Sokunthea, head of the MOI's Anti-Trafficking Department, Sokunthea praised her department's growth from seven anti-TIP units to 17 units and an increase in female officers; this was in contrast to comments made by an advisor to the MOI who told Taylor that the anti-TIP unit has grown too big and bloated like the entire Cambodian police force. She also addressed an NGO concern that the anti-TIP unit lacks power in the provinces by noting that her department does have the authority to order provincial police to take action. Although her unit does not have judicial police, the unit functions along the lines of the judicial police per General Hok Lundy,s approval. Taylor gave General Sokunthea three recommendations: 1) address TIP-related corruption among police officers 2) facilitate quicker approval for police action 3) establish a point person for all TIP actions.

¶7. (SBU) MOJ officials took great interest in the U.S. Department of Justice's upcoming judicial training regarding trafficking cases and were open to any other opportunities G/TIP could provide. In line with best practices, the judiciary is moving forward with the appointment of special judges and prosecutors for trafficking cases. Some courts have already nominated specific judges; others, like the Phnom Penh court, have not. MOJ reps told Taylor that phase 1 of a joint Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) project focusing on police training has just ended, and phase 2 involving the court system will commence in August. MOJ officials mentioned that the child exploitation database, developed with UNICEF help, is operational, and the MOJ hopes to expand it to incorporate trafficking cases. The MOJ reps complained that the police have not forwarded all TIP cases to them. MOJ representatives predicted that the draft trafficking law will be passed by the end of the year or early next year.

18. (SBU) Comment: NGOs provided a fresh perspective by focusing at length on labor migration issues, as opposed to the normal dialogue centering on trafficking for sexual exploitation. Court changes, especially with some appointments of specific judges and prosecutors to handle trafficking cases, signaled a vast improvement with the judiciary. On the other hand, the MOI was the subject of separate NGO complaints and has shown little initiative in 2006 to carry out investigations brought to police attention by various NGOs. In those instances where investigations are initiated, NGOs note that sometimes it is too late and they suspect the police have tipped off the establishment. When the Ambassador carries out the demarche associated with the Tier 2 Watchlist Action Plan for Cambodia, we will ensure that these issues are highlighted to RGC officials. End comment.
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